

PROVIDING FOR CONSIDERATION OF H.R. 720—WATER
QUALITY FINANCING ACT OF 2007

MARCH 8, 2007.—Referred to the House Calendar and ordered to be printed

Ms. CASTOR, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 229]

The Committee on Rules, having had under consideration House Resolution 229, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 720, the Water Quality Financing Act of 2007, under a structured rule. The rule provides one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. The rule waives all points of order against consideration of the bill except clauses 9 and 10 of Rule XXI. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill, modified by the amendment printed in Part A of the Rules Committee report, shall be considered as adopted. The bill as amended shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against provisions in the bill as amended.

The rule makes in order only those further amendments printed in Part B of the Rules Committee report accompanying the resolution. The further amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. All

points of order against the amendments except for clauses 9 and 10 of Rule XXI are waived. Finally, the rule provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

The waivers of all points of order against the bill and against its consideration (except for clauses 9 and 10 of Rule XXI) includes a waiver of clause 5(a) of Rule XXI (prohibiting tax or tariff provisions in a bill not reported by a committee with jurisdiction over revenue measures).

SUMMARY OF AMENDMENT CONSIDERED AS ADOPTED

Oberstar (MN) Manager's Amendment. The manager's amendment: clarifies the types of activities that can be undertaken to address stormwater issues; provides clarification of the types of innovative and alternative processes, materials, techniques, and technologies that should be considered for additional subsidization; reauthorizes an existing Environmental Protection Agency program that collects and disseminates information on alternative wastewater treatment technologies and processes; makes other technical changes.

SUMMARY OF AMENDMENTS MADE IN ORDER UNDER THE RULE

1. Stupak (MI): The amendment would require the Environmental Protection Agency (EPA), in consultation with the State Department and Canadian government, to study wastewater treatment facilities that discharge into the Great Lakes and provide recommendations to improve monitoring, information sharing, and cooperation between the U.S. and Canada. The amendment would also require the EPA to consult with the International Joint Commission, the bi-national organization created to protect the boundary waters between the U.S. and Canada. (10 min.)

2. Baker (LA)/King, Steve (IA): The amendment would strike the Davis-Bacon section of the bill. (10 min.)

3. Hall, John (NY)/Blumenauer (OR): The amendment requires that states, in the development of their priority list under section 606(g) of the Clean Water Act, consider whether the project or activity proposed for funding would first address the repair and replacement of existing wastewater infrastructure. (10 min.)

4. Platts (PA): The amendment would extend the application of the full-and-open competition requirements of Title II of the Clean Water Act, found at Title 33, Section 1284(a)(6) of the United States Code, to bid specifications for projects funded in whole or in part with monies provided through the State Revolving Funds. (10 min.)

5. Hirono (HI): The amendment would authorize technical assistance and grants for the development of integrated water resource plans. (10 min.)

6. Whitfield (KY): The amendment establishes a two-year pilot program to test under normal weather conditions what an extended summer pool lake level would mean to enhanced boating safety, recreation, navigation, fishing, and tourism activities, while also enabling us to gauge the economic impact of longer and higher water levels. (10 min.)

PART A—TEXT OF AMENDMENT TO BE CONSIDERED AS ADOPTED

Page 4, line 7, strike “wastewater infrastructure assistance” and insert “eligible projects described in section 603(c)”.

Page 5, after line 9, insert the following:

(c) SMALL FLOWS CLEARINGHOUSE.—Section 104(q)(4) (33 U.S.C. 1254(q)(4)) is amended—

(1) in the first sentence by striking “\$1,000,000” and inserting “\$3,000,000”; and

(2) in the second sentence by striking “1986” and inserting “2009”.

Page 5, line 10, strike “(c)” and insert “(d)”.

Page 6, strike lines 14 through 16 and insert the following:

(B) in paragraph (2) by striking “in reducing such pollutants” and all that follows before the period at the end and inserting “to manage, reduce, treat, or reuse municipal stormwater, including low-impact development technologies”; and

Page 11, lines 9 and 10, strike “has considered” and all that follows through “alternative management” and insert the following: “has considered, to the maximum extent practical and as determined appropriate by the recipient, the costs and effectiveness of other design, management,”.

Page 14, strike lines 1 and 2 and insert the following:

“(6) for measures to manage, reduce, treat, or reuse municipal stormwater;”.

Page 18, line 3, insert “low-impact technologies,” before “non-structural”.

Page 18, line 5, insert “nutrient” before “pollutant trading”.

PART B—TEXT OF AMENDMENTS MADE IN ORDER UNDER THE RULE

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE STUPAK OF MICHIGAN, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title V of the bill, add the following (and conform the table of contents accordingly):

SEC. 503. GREAT LAKES WATER QUALITY.

(a) STUDY.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of State and the Government of Canada, shall conduct a study of the condition of wastewater treatment facilities located in the United States and Canada that discharge into the Great Lakes.

(b) CONTENTS.—In conducting the study, the Administrator shall—

(1) determine the effect that such treatment facilities have on Great Lakes water quality; and

(2) develop recommendations—

(A) to improve water quality monitoring by the operators of such treatment facilities;

(B) to establish a protocol for improved notification and information sharing between the United States and Canada; and

(C) to promote cooperation between the United States and Canada to prevent the discharge of untreated and undertreated waste into the Great Lakes.

(c) CONSULTATION.—In conducting the study, the Administrator shall consult with the International Joint Commission and Federal, State, and local governments.

(d) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study, together with the recommendations developed under subsection (b)(2).

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BAKER OF LOUISIANA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 12, line 9, insert “and” after the semicolon.

Page 12, line 20, strike the semicolon and all that follows before the first period on page 13, line 3.

Page 25, line 3, strike “(6), (15), and (17)” and insert “(6) and (15)”.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HALL OF NEW YORK, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 23, line 9, strike “and whether such” and insert “, whether such”.

Page 23, line 11, insert before the period at the end the following: “, and whether the proposed projects and activities would address water quality impairments associated with existing treatment works”.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PLATTS OF PENNSYLVANIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 12, line 7, insert “204(a)(6),” before “204(b)(1),”.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HIRONO OF HAWAII, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 6, line 21, strike the closing quotation marks and the final period.

Page 6, after line 21, insert the following:

“(4) INTEGRATED WATER RESOURCE PLAN.—The development of an integrated water resource plan for the coordinated management and protection of surface water, ground water, and stormwater resources on a watershed or subwatershed basis to meet the objectives, goals, and policies of this Act.”.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WHITFIELD OF KENTUCKY, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title I insert the following (and conform the table of contents accordingly):

SEC. 104. POOL ELEVATION PILOT PROGRAM.

(a) PILOT PROGRAM.—Notwithstanding any other provision of Federal law, beginning in the first July after the date of enactment of this Act, the Army Corps of Engineers, together with any other Federal agency that has the authority to change the pool elevation

of Lake Barkley, Kentucky, shall establish and conduct a pilot program that, under normal weather conditions, extends the summer pool elevation of 359 feet on such lake from the current draw down date of July 1 until after the first Monday in September.

(b) PILOT PROGRAM DURATION.—Except as provided in subsection (d), the pilot program shall terminate on the first Monday in September two years after the pilot program begins.

(c) EVALUATION AND RECOMMENDATIONS.—Not later than 60 days after the first Monday in September two years after the pilot program begins, the Chief of Engineers of the Army Corps of Engineers shall evaluate the effectiveness of extending the pool elevation on Lake Barkley, Kentucky, under subsection (a) and report to the appropriate committees of Congress their findings, including any recommendations, regarding the extension of time for such lake elevation.

(d) CONTINUATION.—If the Army Corps of Engineers determines that the pilot program under this section is effective, the Corps shall continue the summer elevation of 359 feet on Lake Barkley, Kentucky, through the first Monday in September each year.

